

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CECIL FLUKER,)	CASE NO. 1:19-CV-00318
)	
Plaintiff,)	JUDGE SARA LIOI
)	
vs.)	
)	
CUYAHOGA COUNTY et al.,)	
)	
Defendants.)	

MOTION TO STAY PROCEEDINGS

Defendants Cuyahoga County, Armond Budish, Clifford Pinkney, Eric J. Ivey (in his official capacity only),¹ and Kenneth Mills (in his official capacity only) (collectively, the “County Defendants”) hereby move this Court for an Order staying the proceedings in this matter for forty-five (45) days. Cuyahoga County seeks this stay because it is in the process of obtaining outside counsel to represent Defendants Kenneth Mills and Eric Ivey in their individual capacities. Although the Civil Division of the Cuyahoga County Prosecutor’s Office would normally represent Mr. Mills and Mr. Ivey in both their official and individual capacities in civil litigation such as this, because both Mr. Mills and Mr. Ivey have been criminally indicted,² the indictments raise a potential conflict of interest regarding representation of these Defendants in their individual

¹ The undersigned counsel initially appeared in this matter and filed a motion to dismiss as counsel for Eric Ivey in both his official and individual capacities. As discussed in this motion, because Mr. Ivey was indicted subsequent to the filing of the motion to dismiss, the undersigned counsel anticipates filing a motion to withdraw as counsel for Mr. Ivey in his individual capacity, once substitute counsel is found for Mr. Ivey in his individual capacity.

² See *State v. Kenneth Mills*, Cuyahoga Comm. Pleas No. CR-19-636461-B; *State v. Eric Ivey*, Cuyahoga Comm. Pleas No. CR-19-639159-A.

capacities. As a result, the County is in the process of obtaining outside counsel for Mr. Mills and Mr. Ivey to represent them on claims alleged against them in their individual capacities.

The undersigned counsel has reached out to counsel for the Plaintiff to determine Plaintiff's position on this motion. As of the filing of this motion the undersigned counsel has not received a response.

For the above reasons, the County Defendants move this Court for an Order staying the proceedings in this case for forty-five (45) days.

Respectfully submitted,
MICHAEL C. O'MALLEY
Prosecuting Attorney of Cuyahoga County, Ohio

By: /s/ Kenneth Rock
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Attorney for Defendants Cuyahoga County, Armond Budish, Clifford Pinkney, Eric Ivey (in his official capacity only), and Kenneth Mills (in his official capacity only)

CERTIFICATE OF SERVICE

On April 29th, 2019, a copy of this Motion for Stay will be served upon the following via United States regular mail:

Kenneth V. Mills
38749 Amberwood Dr.
Avon, OH 44011

/s/ *Kenneth M. Rock*
Kenneth Rock
Assistant Prosecuting Attorney